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No. 260

IN THE

Supreme Court of the United States

October Term, 1963

STANLEY JURUS,

Appellant,

vs.

COLUMBUS BAR ASSOCIATION,

Appellee.

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF OHIO

Petition For Rehearing of Order Denying Petition for Writ of Certiorari

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Stanley Jurus, Appellant, prays that this Court grant rehearing of its order of October 12, 1964 denying the petition for writ of certiorari and that a writ of certiorari issue to review the judgment of the Supreme Court of the State of Ohio in the above-entitled case as prayed for in the petition filed July 7, 1964.

Reasons For Granting Rehearing And Issuing Writ

1. At the time of this Court's order of October 12, 1964, there was pending before this Court on appeal from the Ohio Supreme Court, the case of *Mahoning County Bar Association vs. John Ruffalo, Jr.*, No. 497 (176 Ohio State 263). The decision of the Ohio Supreme Court in this case,

as indicated by Judge Herbert in his dissenting opinion, is in conflict with the decisions of this Court in the cases of *Brotherhood of Railroad Trainmen v. Virginia ex rel. Virginia State Bar*, 12 L. Ed. 2d 89, 84 S. Ct. 1113, and *National Association for the Advancement of Colored People vs. Robert Button*, 371 U.S. 415, 9 L. Ed. 2d 405.

The decisions of this Court in both the *Brotherhood of Railroad Trainmen* and *NAACP vs. Button* cases clearly grant lawyers representing clients solicited and referred to them by the *Brotherhood* and the *NAACP* immunity from disciplinary proceedings for violation of the Canons of Professional Ethics relative to solicitation.

If the error of the Ohio Supreme Court in failing to follow the dictates of this Court under substantially similar circumstances, as in the *Ruffalo* case, is corrected there will arise a substantial Federal constitutional question not available to this petitioner at the time his appeal was perfected. The question to which petitioner has reference is whether the equal protection clause of the Fourteenth Amendment to the United States Constitution prohibits the creation of a class of lawyers immune from disciplinary proceedings for accepting employment from persons known to have been solicited and deny this immunity to lawyers generally?

This Court held in *Old Dearborn Distributing Company, vs. Seagram-Distillers Corporation*, 299 US 183, 81 L. Ed. 109 that:

> "The equal protection clause of the Fourteenth Amendment does not preclude the states from resorting to classification for the purpose of legislation, but only requires that the classification be reasonable, not arbitrary, and rest upon some ground of difference having a fair and substantial relation to the objects of the legislation, so that all persons similarly circumstanced shall be treated alike."

A classification among attorneys based solely on the type of client represented is clearly arbitrary and constitutes unjustifiable discrimination against the lawyers of the State of Ohio.

2. The question to which this petition for rehearing is directed is one of great general interest to all lawyers and the majority of states as the permissible scope of state regulation of the practice of law has been seriously clouded by the pronouncements of this Court in *Brotherhood of Railroad Trainmen vs. Virginia ex rel. Virginia State Bar*, 12 L. Ed. 89, 84 S. Ct. 1113 and *National Association for the Advancement of Colored People v. Robert Button*, 371 US 415, 9 L. Ed. 2d 405.

CONCLUSION

For the reasons set forth above and in the petition for writ of certiorari, it is respectfully urged that rehearing be granted and that upon such rehearing, a writ of certiorari issue to the Supreme Court of the State of Ohio.

Respectfully submitted,

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